

**FILED**

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11-13-07

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

GENWORTH LIFE AND ANNUITY )  
INSURANCE COMPANY (f/k/a FIRST )  
COLONY LIFE INSURANCE COMPANY), )

Plaintiff,

vs.

DOROTHY CIURA and )  
LISA VANDENBERGHE (n/k/a LISA ORTEGA) )

Defendants. )

**07CV6400**

**JUDGE DER YEGHIAYAN  
MAG. JUDGE MASON**

**GENWORTH LIFE AND ANNUITY INSURANCE COMPANY'S  
MOTION FOR LEAVE TO DEPOSIT ITS ADMITTED LIABILITY**

Genworth Life and Annuity Insurance Company (f/k/a First Colony Life Insurance Company) ("GLAIC") by its attorneys, William A. Chittenden, III and Stuart F. Primack, and Chittenden, Murday & Novotny LLC, for its Motion for Leave to Deposit its Admitted Liability, states as follows:

1. Contemporaneous with the filing of this Motion, GLAIC filed its Complaint for Interpleader pursuant to 28 U.S.C. §§ 1335, 1397, and 2361 (2007) to resolve competing claims to life insurance proceeds payable under Policy No. 2100851 (the "Policy") offered by GLAIC, which insured the life of Steven Ciura.

2. GLAIC seeks an order granting it leave to deposit its admitted liability in the total sum of \$50,000, plus accrued interest, representing the death benefit under the Policy, into an interest-bearing account subject to further order of this Court indicating as to whom among the Defendants the admitted liability should be distributed.

4. GLAIC seeks to deposit this admitted liability in accordance with the Order to Deposit Admitted Liability tendered herewith as Exhibit 1.

**WHEREFORE**, Genworth Life and Annuity Insurance Company (f/k/a First Colony Life Insurance Company) respectfully requests that this Court grant its Motion for Leave to Deposit its Admitted Liability, in the form of the draft Order to Deposit Admitted Liability submitted herewith as Exhibit 1.

Respectfully submitted,

GENWORTH LIFE AND ANNUITY  
INSURANCE COMPANY (F/K/A FIRST  
COLONY LIFE INSURANCE  
COMPANY)

By: 

One of its Attorneys

William A. Chittenden, III  
Stuart F. Primack  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**GENWORTH LIFE AND ANNUITY  
INSURANCE COMPANY (f/k/a FIRST  
COLONY LIFE INSURANCE COMPANY),**

**Plaintiff,**

**vs.**

**DOROTHY CIURA and  
LISA VANDENBERGHE (n/k/a LISA ORTEGA)**

**Defendants.**

**No.:** \_\_\_\_\_

**ORDER TO DEPOSIT ADMITTED LIABILITY**

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED,** that leave is given to Genworth Life and Annuity Insurance Company (f/k/a First Colony Life Insurance Company) to deposit into the Registry of this Court its admitted liability in the amount of \$50,000, plus accrued interest. The Clerk of this Court is hereby, upon entry of this Order, directed to receive said sum, issue its receipt for same, and hold said sum pending further order of this Court.

**IT IS FURTHER ORDERED** that the Clerk of this Court is further directed to deposit the aforesaid sum into an interest bearing account, in keeping with the Clerk's normal practice, pending further order of this Court. No withdrawal from this deposit may be had without order of this Court.

**DATED:** \_\_\_\_\_

**ENTERED:** \_\_\_\_\_

**Judge**

